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VIA OVERNIGHT MESSENGER

January 7, 2008

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: WC Docket No. 06-6; In the Matter of Petition of Frontier Communications of America, Inc. for Preemption and Declaratory Ruling Regarding Tennessee Code Annotated Section 65-29-102 and Related Decisions of the Tennessee Regulatory Authority

Dear Ms. Dortch:

This letter is notice to the Commission that on June 30, 2007, Frontier Communications of America, Inc. ("Frontier") filed a Petition with the Tennessee Regulatory Authority ("TRA") that is potentially relevant to the above referenced matter at the Commission. **Attachment 1** hereto is a copy of that Petition, in which Frontier requests the TRA explicitly to grant Frontier authority to provide telecommunications services in areas served by telephone cooperatives in Tennessee including territory served by Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand").

On December 20, 2007, the TRA's Hearing Officer declined to hold Frontier's June 30, 2007 Petition in abeyance pending FCC action, provided that Frontier provides notice to the FCC of Frontier's filing of the June 30, 2007 Petition and its request to the TRA to proceed with action on that Petition. **Attachment 2** hereto is a copy of the Hearing Officer's order. This letter provides the notice required by the Hearing Officer.

Respectfully submitted,

Gregg C. Sayre
Associate General Counsel –
Eastern Region

GCS/hmj
Encl. (original + 4)
cc: Best Copy and Printing, Inc. (via overnight delivery)

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Attachment 1

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

IN RE:

PETITION OF FRONTIER
COMMUNICATIONS OF AMERICA, INC.
TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

No. 07-00155

**PETITION OF FRONTIER COMMUNICATIONS OF AMERICA, INC.
TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**

Frontier Communications of America, Inc. ("Frontier") formerly known as "Citizens Telecommunications Company," by its undersigned counsel and pursuant to Tennessee Code Annotated, Sections 65-2-103 and 65-4-201 through Section 65-4-204; Chapter 1220-4.8 of the Tennessee Regulatory Authority's ("Authority") Rules and Regulations; and pursuant to the request of the Authority as set forth herein, hereby applies to modify and/or clarify its Certificate of Public Convenience and Necessity ("CCN"), granted by Order dated June 27, 1996, a copy of which is attached hereto as Exhibit A.

To the extent that its CCN does not already so provide, by this Petition Frontier seeks authority to provide telecommunications services on a statewide basis in areas served by telephone cooperatives, including territory served by Ben Lomand Rural Telephone Cooperative ("Ben Lomand").¹

The relief requested herein will provide significant benefits to Tennessee telecommunications consumers in terms of increased carrier choices, competitive pricing, increased reliability, responsiveness, and the introduction of new and innovative services. It will also stimulate investment in Tennessee's telecommunications infrastructure,

¹ As is explained in more detail below, the Authority has ruled that Frontier's existing CCN does not allow Frontier to compete in the territory currently served by Ben Lomand. (Docket No. 04-00379, Order, March 8, 2006). Frontier disputes this ruling, and it has sought relief from this ruling before the Federal Communications

resulting in economic development.

Frontier requests expedited approval of this Petition in order to permit Frontier to offer a competitive choice for customers who currently lack the ability to chose competitive services.

I. Introduction and Summary of Prior Authority Action Relating To This Matter.

1. Frontier, formerly known as Citizens Telecommunications Company, is a competing local exchange carrier ("CLEC") as defined by T.C.A. § 65-4-101. The TRA's predecessor, the Tennessee Public Service Commission, granted Frontier a statewide CCN as a competing telecommunications provider by Order, dated June 27, 1996 (Docket No. 96-00779), a copy of which is attached hereto as Exhibit A. Frontier is regulated by the TRA pursuant to T.C.A. §§ 65-4-101 and 65-4-104. Frontier's CCN allows Frontier to provide "all the services that may be provided by a Competing Telecommunications Provider as that term is defined in Section 3 of Chapter 408, T.C.A. § 65-4-101(e); those services include, but are not limited to toll, local exchange, access, private line, paging, and enhanced services, Centrex services, measured business lines, voice mail, ISDN, and vertical factors; . . ." (CCN, ¶ 3).

2. Frontier is an affiliate of Citizens Telecommunications Company of Tennessee, LLC ("Citizens"). Citizens is an incumbent local exchange carrier ("ILEC") as defined in T.C.A. § 65-4-101, serving customers in White, Warren, Weakley, Putnam, and Cumberland counties in Tennessee.

3. Ben Lomand is a telephone cooperative as defined by T.C.A. § 65-29-102, and as such, it is largely unregulated by the TRA. *See* T.C.A. § 65-29-130. Ben Lomand serves customers in White, Warren, Van Buren, Grundy, and portions of Franklin, Coffee and Bedford

counties in Tennessee.

4. Ben Lomand also owns Ben Lomand Communications, Inc. ("BLC"), a CLEC, which aggressively competes with Citizens in McMinnville and Sparta, Tennessee. Ben Lomand also owns 50% of Volunteer First Services, Inc. ("VFS"), which was recently certificated by the Authority to operate as a CLEC in Crossville, Tennessee, another market served by Citizens. (TRA Docket No. 03-0067)

5. The primary purpose of this Petition is Frontier's intention to compete in the territory served by Ben Lomand. However, Ben Lomand has taken the position that Frontier is statutorily prohibited from competing in Ben Lomand's territory.

6. On October 11, 2004, the Authority approved an interconnection agreement (the "Interconnection Agreement") between Frontier and Ben Lomand, dated August 2, 2004, a copy of which is attached hereto as Exhibit B (Docket No. 04-00233). The Interconnection Agreement provides as follows:

13.1 This Agreement will become effective upon:

(a) issuance of a final order by a regulatory body or court with the requisite jurisdiction to grant Citizens with all necessary regulatory approval and certification to offer local exchange and local exchange access services in the geographic areas to which this Agreement applies; and

(b) approval of this Agreement by the Commission.

The Parties recognize that, in the absence of a final order under subsection (a) immediately above, a question of law exists with respect to whether the state commission has statutory authority to authorize Citizens or any other carrier to provide local exchange and/or local exchange access services in the areas of the State of Tennessee served by BLTC or other telephone cooperatives. Notwithstanding this uncertainty, the Parties have acted in good faith to negotiate this Agreement and fulfill their obligations under the Act in order to avoid unnecessary dispute and delay. By executing this Agreement, neither Party waives any right with respect to issues related to the position either Party may assert in any forum with respect to issues related to the matter of the state

commission's statutory authority with respect to geographic areas served by telephone cooperatives or any other matters.

7. The conditions set forth in Paragraph 13.1 (a) and (b) have been met. The TRA previously has certificated Frontier in its CCN to provide services statewide as a CLEC. In addition, the Authority now has approved the Interconnection Agreement. Ben Lomand disagrees and refuses to interconnect in the absence of additional regulatory or judicial action.

8. By Petition dated October 26, 2004, Frontier sought from the Authority a declaratory ruling to allow it to provide service in Ben Lomand's territory (Docket No. 04-00379) (the "Declaratory Judgment Action") in accordance with the terms of the Interconnection Agreement and its CCN. However, by Order, dated March 8, 1996, the Authority ruled that Frontier's CCN does not include territory served by Ben Lomand until and unless Frontier amends its CCN to include such territory (Docket No. 04-00379).

9. Frontier sought relief from the ruling in the Declaratory Judgment Action before the Federal Communications Commission (WC Docket No. 06-6). The TRA has appeared in that action and opposed Frontier's petition on the basis that, by failing to have its CCN amended, Frontier has failed to exhaust its administrative remedies. Although, Frontier disputes the TRA's position, in the exercise of caution and without waiving its position before the FCC, Frontier seeks to have its CCN amended to the extent that it is not statewide as it so provides.

10. Approval of this Petition is warranted for the following reasons:

a. T.C.A. §65-4-201, which protects ILECs with less than 100,000 access lines from encroachment, is not applicable because Ben Lomand is not an ILEC. T.C.A. § 65-4-101(d) defines "incumbent local exchange telephone company" as a "public utility offering and providing basic local exchange telephone service . . . pursuant to tariffs approved by the [TRA] . . ." T.C.A. § 65-4-101(d). A "cooperative organization" is not

a "public utility." T.C.A. § 65-4-101(a)(5). Moreover, Ben Lomand does not file tariffs with the TRA.

b. T.C.A. § 65-29-102 does not provide territorial protection to Ben Lomand. *See* Op. Atty Gen. No. 90-83, August 27, 1990 (Copy attached as Exhibit C).

c. Any territorial protection granted to Ben Lomand by state law (see T.C.A. § 65-29-102) is preempted and prohibited by 47 U.S.C. § 253(a), which states, "No State or local statute or regulation, or other State or local requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." The FCC has ruled that the above-cited T.C.A. § 65-4-201(d) is unenforceable as an unlawful prohibition against competition. *In The Matter Of AVR, L.P. d/b/a Hyperion of Tennessee, L.P. Petition for Preemption of Tennessee Code Annotated § 65-4-201(d) and Tennessee Regulatory Authority Decision Denying Hyperion's Application Requesting Authority to Provide Service in Tennessee Rural LEC Service Areas*, 1999 WL 335803 (F.C.C.), 14 F.C.C. Rcd. 11064 (1999), *pet. for reh'g den.*, 2001 WL 12939 (F.C.C.), 16 F.C.C. Rcd. 1247 (2001) (Copies attached as Exhibit D).

d. T.C.A. § 65-4-123 sets forth Tennessee General Assembly's legislative intent that the "policy of this state is to foster the development of an efficient, technologically advanced, statewide system of telecommunications services by **permitting competition in all telecommunications services markets...**" (emphasis added). In addition, the relief requested is equitable given the fact that Ben Lomand, through its subsidiaries, is competing in areas served by Frontier's affiliate ILEC. Thus, it would be unfair to prevent Frontier from providing competing services in Ben

Lomand's territory.

e. Frontier is otherwise qualified to provide the services.

11. As is evidenced by the certificate of service appended hereto, a copy of this Petition has been served on all telephone cooperatives identified as Tier 1 Members of the Tennessee Telecommunications Association at <http://www.tenntel.org/o2membersT1.htm> and to LaDon Baltimore and Melvin Malone, counsel for Ben Lomand and the Intervening Cooperatives in TRA Docket No. 04-00379.

II. Additional Information Relating to Petition and Qualifications of Frontier As Set Forth in TRA Rule 1220-4-8-.04

A. Corporate Information

1. Legal Name: Frontier's legal name is Frontier Communications of America, Inc. Frontier maintains its principal place of business at:

3 High Ridge Park
Stamford, CT 06905

2. Contact Persons: Correspondence or communications pertaining to this Petition should be directed to:

Gregg Sayre
Frontier Communications Solutions
180 South Clinton Avenue
Rochester, NY 14646
Telephone: (585) 777-7270
Facsimile: (585) 263-9986

with a copy to:

Guilford F. Thornton, Jr.
Charles W. Cook, III
Adams and Reese LLP
434 Church Street, Suite 2800
Nashville, Tennessee 37219
Telephone: (615) 259-1450

Facsimile: (615) 259-1470

3. Corporate Liaisons: Questions concerning the ongoing operations of Frontier following certification should be directed to:

J. Michael Swatts
Frontier Communications Solutions
300 Bland Street
Bluefield, WV 24701
Telephone: 304-325-1216
Facsimile: 304-325-1483

4. Registered Agent: Frontier's registered agent in the State of Tennessee is:

C T Corporation System
530 Gay Street
County of Knox
Knoxville, TN 37902

5. Officers and Directors

Frontier's Directors are:

Mary Agnes Wilderotter
Donald Shassian
Daniel McCarthy

Frontier's Officers are:

Mary Agnes Wilderotter	Chairman
Daniel J. McCarthy	President and Chief Operating Officer
Donald R. Shassian	Vice President and Chief Financial Officer
John H. Casey, III	Vice President
Robert J. Larson	Vice President and Chief Accounting Officer
Hilary E. Glassman	Vice President, General Counsel and Secretary
Donald B. Armour	Vice President and Treasurer
Michael Golob	Vice President, Engineering
Ann Burr	Vice President, Regulatory
David G. Schwartz	Assistant Secretary
Gregg C. Sayre	Assistant Secretary

The officers and managers may be reached at the following address and phone number:

3 High Ridge Park
Stamford, CT 06905
Telephone: 203-614-5600
Facsimile: 203-614-4651

6. Tennessee Operations: The person responsible for Frontier's operations in Tennessee is as follows:

David Byrd
Frontier Communications Solutions
250 South Franklin
Cookeville, TN 38501
865-947-8240

7. Toll Free Number: Frontier's toll-free customer service telephone number for customer inquiries is: 1-800-921-8101.

8. Corporate Structure: Frontier is a corporation organized on July 1, 1993 under Delaware law. Frontier is wholly-owned by its parent, Citizens Communications Company. A copy of Frontier's Articles of Incorporation, Certificate to Do Business in Tennessee and its Organizational Chart for Citizens Communications Company is attached hereto as Exhibit E, F and G respectively.

9. Frontier is authorized and operating as a long distance reseller in all 50 states. Frontier is operating as a CLEC only in New York State. To the best of its knowledge, Frontier has never been refused permission to operate in any state.

B. Qualifications

1. Managerial and Technical Qualifications: The Authority granted Frontier its current CCN based in part upon finding that Frontier possessed the requisite managerial and

technical qualifications to provide telecommunications services in Tennessee, including services as a CLEC. Since the grant of that application, Frontier has supplemented its staff of experienced senior managers, as listed in paragraph 5 above. Together, Frontier's officers have decades of experience in the telecommunications industry. This experience provides the technical and operational foundation necessary to execute the company's business plan, to provide its proposed telecommunications services, and to operate and maintain Frontier's facilities over which the proposed services will be deployed. Frontier remains managerially and technically qualified to provide telecommunications services throughout the State of Tennessee.

2. Financial Qualifications: The Authority granted Frontier its current CCN based in part upon finding that Frontier possessed the requisite financial qualifications to provide telecommunications services in Tennessee. Since the grant of its certificate, Frontier has remained profitable and maintained access to working capital necessary to fund its in-state operations.

3. Financial information relating to Citizens Communications Company and its subsidiaries is available for inspection online at:

<http://www.czn.net/Invest/AnnualReport.aspx>

C. Proposed Services

1. Description of Proposed Services: Frontier is currently authorized to provide all services authorized by its CCN on a statewide basis, including but not limited to toll, local exchange, access, private line, paging, and enhanced services, Centrex services, measured business lines, voice mail, ISDN, and vertical features.

2. Description of Additional Service Area, As is set forth in the historical background, Frontier intends to provide services in the service territory of Ben Lomand and

then potentially other telephone cooperatives to the extent that its CCN does not already permit it to provide services in these areas. The potentially affected telephone cooperatives known to Frontier are identified in the Certificate of Service, filed herewith as Exhibit H.

3. Description of Proposed Facilities: Frontier intends build its own facilities in areas where Citizens (its ILEC affiliate) does not have facilities and lease facilities from Citizens when operating within Citizens' service territory.

D. Description of Regulatory Obligations and Commitments.

1. Frontier Communications of America does not presently operate as a CLEC in Tennessee. Frontier anticipates a need for an NXX code or possibly a one-thousand block(s) of numbers in each rate center in which it decides to provision CLEC service. Those plans are not finalized therefore the specific number of codes or locations is not available at this time.

2. Frontier is familiar with and will adhere to all applicable Authority rules, policies and orders governing the provisions of local exchange telecommunications services in the State of Tennessee, including those set forth in Rule 1220-4-8-.04(3).

3. Frontier submits a Small and Minority Owned Telecommunications Business Participation Plan annually with the TRA. Frontier will adhere to its most current Small and Minority Owned Telecommunications Business Participation Plan on file with the Authority.

4. In compliance with the Authority's rules, Frontier shall either directly or through other arrangements, provide the emergency, directory, blocking, support, interconnection and other services mandated by the Authority as required and applicable.

5. Customers with service, billing and repair questions, and complaints may reach Frontier twenty four (24) hours per day, seven (7) days per week using the following toll free customer service number: 1-800-921-8101. Inquiries about customer service issues may be directed to:

David Byrd
Frontier Communications Solutions
250 South Franklin
Cookeville, TN 38501
Telephone: 865-947-8240
Facsimile: 865-938-2850

6. Frontier will handle repair and maintenance in Tennessee as follows: Frontier's customers may call the toll free number above to report service problems requiring repair or maintenance. Frontier will respond to repair and maintenance calls promptly and, where necessary, dispatch a service technician or otherwise responds to the trouble ticket as soon as possible. Because customer satisfaction is extremely important to Frontier and to its success in the competitive marketplace, all commercially reasonable efforts will be made to address and resolve customer concerns as quickly as possible.

7. Frontier will determine the need for and the amount of customer deposits on a case-by-case basis. To the extent that Frontier does collect deposits, Frontier will comply with the Authority's applicable rules and regulations.

8. Frontier will file tariff revisions, to the extent that it is necessary, subsequent to approval of its application and prior to providing service in those areas of Tennessee covered by this Petition.

9. Frontier's internal policies regarding changes of local and long distance carriers will be consistent with applicable Federal Communication Commission ("FCC") telemarketing and carrier change rules, and will comply with any applicable Tennessee policies, rules, and orders governing such carrier changes.

10. Frontier is aware of the telemarketing statutes and regulations found in

Sections 65-4-401 through Sections 65-4-408 of the Tennessee Code Annotated and in Chapter 1220-4-11 of the Authority's Rules and Regulations and will comply with such rules if and when it uses telemarketing in Tennessee.

E. Numbering Issues

1. Frontier will abide by all of the numbering rules established by the FCC, including sequential assignment of telephone numbers, as well as any rules established by the Authority.

2. Frontier will comply with all of the FCC regulations concerning number resource optimization in order to conserve numbering resources.

3. In requesting growth codes, Frontier will comply with applicable FCC regulations relating to utilization thresholds. While the threshold will rise in increments of 5%, current FCC regulations require that carriers achieve a 60% utilization prior to requesting growth codes.

III. Public Interest Statement

1. The Authority granted Frontier its current CCN based in part upon finding that grant of Frontier's certificate was in the public interest. At that time, Frontier sought and obtained statewide certification, but the Authority has since determined that this territory does not include the territory served by Ben Lomand and presumably other telephone cooperatives in Tennessee. However, as stated previously, Frontier's statewide CCN should be statewide and include the territory currently served by Ben Lomand for the following reasons

a. The Federal Communications Commission has determined that Section 65-4-201(d) is pre-empted by Federal law. *In The Matter Of AVR, L.P. d/b/a Hyperion of Tennessee, L.P. Petition for Preemption of Tennessee Code Annotated § 65-4-201(d) and Tennessee Regulatory Authority Decision Denying Hyperion's Application*

Requesting Authority to Provide Service in Tennessee Rural LEC Service Areas, 1999 WL 335803 (F.C.C.), 14 F.C.C. Rcd. 11064 (1999), *pet. for reh'g den.*, 2001 WL 12939 (F.C.C.), 16 F.C.C. Rcd. 1247 (2001) (Copies attached as Exhibit D).

b. The Attorney General for the State of Tennessee has issued an opinion that due to the Federal Communication Commission's preemption of Tennessee Code Annotated Section 65-4-201(d), this provision is not enforceable. Office of the Attorney General, Opinion No. 01-036, 2001 Tenn. AG Lexis 36 (Mar. 19, 2001) (Copy attached as Exhibit H).

c. The Tennessee Attorney General has also opined that T.C.A. § 65-29-102 does not provide territorial protection to telephones cooperatives such as Ben Lomand. *See* Op. Atty Gen. No. 90-83, August 27, 1990 (Copy attached as Exhibit C).

Accordingly, there is no longer any justification for the geographic limitation in Frontier's certificate.

2. T.C.A. § 65-4-123 sets forth Tennessee General Assembly's legislative intent that the "policy of this state is to foster the development of an efficient, technologically advanced, statewide system of telecommunications services **by permitting competition in all telecommunications services markets...**" (emphasis added). In addition, the relief requested is equitable given the fact that Ben Lomand, through its subsidiaries, is competing in areas served by Frontier's affiliate ILEC. Thus, it would be unfair to prevent Frontier from providing competing services in Ben Lomand's territory.

3. The grant of this Application will also further the public interest by expanding the availability of telecommunications services in throughout the State of Tennessee. In particular, the public will benefit directly through the use of the competitive local services to be offered by Frontier. The public will also benefit indirectly because the competitive presence Frontier in an expanded service area will increase the incentives for both telecommunications providers to operate more efficiently, offer more innovative services, reduce prices, and improve the quality and coverage of their services. In addition, intrastate offering of these services is in

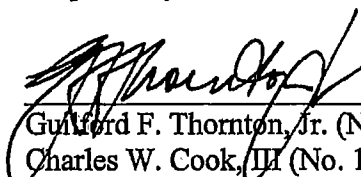
the public interest because the services will provide Tennessee customers with access to new technologies and service choices and can permit customers to achieve increased efficiencies and cost savings.

4. Grant of this Application will promote the availability of quality services and increased consumer choice for Tennessee telecommunications consumers. Competition for customers in areas served by telephones cooperatives and small incumbent LECs should result in benefits to consumers in the form of lower prices, better quality, and increased investment in broadband infrastructure. Frontier's expertise in the telecommunications industry will allow it to provide economic and efficient services, thereby affording customers with an optimal combination of price, quality, and customer service. Accordingly, Frontier anticipates that its proposed services will increase consumer choice of innovative, diversified, and reliable service offerings and further the public interest.

CONCLUSION

WHEREFORE, Frontier respectfully requests that, to the extent that its CCN does not already permit Frontier to provide services in areas served by telephone cooperatives, including Ben Lomand, the Authority amend Frontier's current CCN to allow Frontier to provide the services authorized hereunder on a statewide basis, including areas served by telephone cooperatives and small incumbent LECs.

Respectfully submitted,



Guilford F. Thornton, Jr. (No. 14508)
Charles W. Cook, III (No. 14274)
ADAMS AND REESE LLP
424 Church Street, Suite 2800
Nashville, TN 37215
Telephone: (615) 259-1456

Attorneys for Frontier Communications of America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following by first class U.S Mail Postage prepaid:

Counsel for Cooperatives in Docket No. 04-00379

H. LaDon Baltimore
Farrar & Bates
211 Seventh Avenue, North, Suite 420
Nashville, Tennessee 37219

Melvin J. Malone
Miller & Martin
1200 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219

Office of the Attorney General for the State of Tennessee
PO Box 20207
Nashville, Tennessee 37202

Telephone Cooperatives Identified as Tier 1 Members of Tennessee Telecommunications Association

Ardmore Telephone Company
PO Box 549
30190 Ardmore Avenue
Ardmore, TN 38449

Ben Lomand Rural Telephone Co-Op
PO Box 670
311 North Chancery Street
McMinnville, TN 37110

Bledsoe Telephone Cooperative
PO Box 609
338 Cumberland Avenue
Pikeville, TN 37367

Concord Telephone Exchange
P.O. Box 22610
11505 Kingston Pike

Knoxville, TN 37922

Crockett Telephone Company
P.O. Box 10
224 East Main Street
Bradford, TN 38316

DTC Communications
P.O. Box 247
111 High Street
Alexandria, TN 37012

Embarq
14111 Capital Blvd.
Wake Forest, NC 27587-5900

Highland Telephone Cooperative
P.O. Box 119
7840 Morgan County Highway
Sunbright, TN 37872

Humphreys County Telephone Company
P.O. Box 552
203 Long Street
New Johnsonville, TN 3734-0552

Loretto Telephone Company
P.O. Box 130
136 South Main Street
Loretto, TN 38469

North Central Telephone Cooperative
P. O. Box 70
Highway 52 By-Pass
Lafayette, TN 37083

Peoples Telephone Company
P.O. Box 10
224 East Main Street
Bradford, TN 38316

Scott County Telephone Cooperative
P.O. Box 487
Gate City, VA 24251-0487

TDS Telecom-Knoxville
P.O. Box 22995
Knoxville, TN 37933-0995
Tennessee Telephone Company
P.O. Box 155
30502 Broad Street
Bruceton, TN 38317-0155

Tennessee Telephone Company
P.O. Box 100
5265 Murfreesboro Road
LaVergne, TN 37086-0100

Tennessee Telephone Company
P.O. Box 610
264 East Main Street
Parsons, TN 38363

Tennessee Telephone Company
P.O. Box 70387
7407 Andersonville Pike
Knoxville, TN 37938-2139

Tennessee Telephone Company
4112 N. Mt. Juliet Rd.
Mt. Juliet, TN 37122

Tennessee Telephone Company
P.O. Box 433
215 South Main Street
Waynesboro, TN 38485

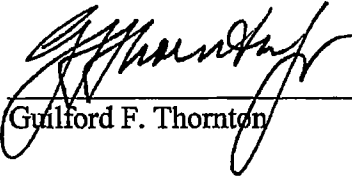
Twin Lakes Telephone Cooperative
P.O. Box 67
201 West Gore Avenue
Gainsboro, TN 38562-0067

United Telephone Company
P.O. Box 38
120 Taylor Street
Chapel Hill, TN 37034

West Kentucky Rural Telephone
P.O. Box 649
237 North 8th Street

Mayfield, KY 42066

West Tennessee Telephone Company
P.O. Box 10
224 East Main Street
Bradford, TN 38316



Guilford F. Thornton

FAX: SCOTT BOHLER

FAXED

JUL 02 1996

11-5-99

**BEFORE THE TENNESSEE PUBLIC SERVICE COMMISSION
Nashville, Tennessee**

June 27, 1996

**IN RE: APPLICATION OF CITIZENS TELECOMMUNICATIONS
COMPANY, D/B/A CITIZENS TELECOM FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY**

DOCKET NO. 96-00779

ORDER

This matter is before the Tennessee Public Service Commission upon the application of Citizens Telecommunications Company, d/b/a Citizens Telecom ("Citizens") for a Certificate of Convenience and Necessity pursuant to TCA § 65-4-201 (c) as set forth in the above caption.

The matter was heard on May 15, 1996, in Nashville Tennessee, before Ralph B. Christian, II, Administrative Judge. On May 30, 1996, the Administrative Judge issued his Initial Order recommending that the application be granted.

The Public Service Commission considered this matter at a regularly scheduled Commission Conference held on June 25, 1996. It was concluded after careful consideration of the entire record, including the Administrative Judge's Initial Order and all applicable laws and statutes and particularly the requirements of Chapter 408 of the Public Acts of 1995, that the Administrative Judge's Initial Order should be approved and the authority granted as requested. The Commission further ratifies and adopts the findings and conclusions of the Administrative Judge as its own.

IT IS THEREFORE ORDERED:

1. That the Administrative Judge's Initial Order, dated May 30, 1996, in this docket is hereby ratified, adopted and incorporated by reference in this Order as fully as though copied verbatim herein, including the findings and conclusions of the Administrative Judge which the Commission adopts as its own;

2. That the application of Citizens Telecommunications Company d/b/a Citizens Telecom for a Certificate of Convenience and Necessity as a Competing Telecommunications Service Provider pursuant to Section 7 of Chapter 408 of the Public Acts of 1995 is hereby granted;

3. That Citizens is authorized to offer all of the services that may be provided by a Competing Telecommunications Service Provider, as that term is defined in Section 3 of Chapter 408, TCA §65-4-101 (e); those services include, but are not limited to toll, local exchange, access, private line, paging and enhanced services, Centrex services, measured business lines, voice mail, ISDN, and vertical factors;

4. That Citizens abide by the rules and regulations of the Commission;

5. That Citizens may commence service under its certificate once it has filed proper tariffs for service to be offered and such other information as the Public Service Commission may require;

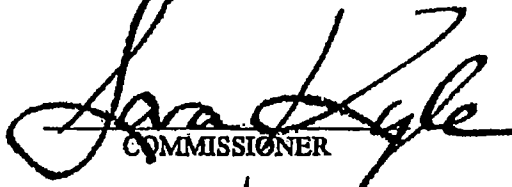
6. That any party aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Tennessee Public Service Commission within ten (10) days from and after the date of this order; and

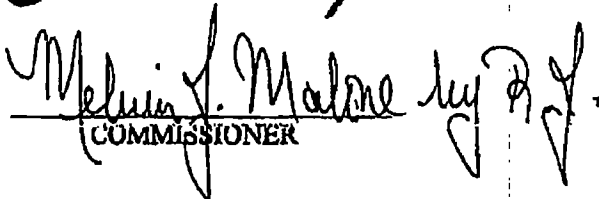
7. That any party aggrieved by the Commission's decision in this matter may file a Petition for Review with the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

ATTEST:


Executive Director


CHAIRMAN


COMMISSIONER


COMMISSIONER

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 24, 2004

IN RE:

**PETITION FOR APPROVAL OF THE
INTERCONNECTION AGREEMENT
BETWEEN BEN LOMAND TELEPHONE
COOPERATIVE, INC. AND FRONTIER
COMMUNICATIONS OF AMERICA, INC.**

**DOCKET NO.
04-00233**

ORDER APPROVING THE INTERCONNECTION AGREEMENT

This matter came before Chairman Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 11, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection agreement negotiated between Ben Lomand Telephone Cooperative, Inc. and Frontier Communications of America, Inc., filed on August 4, 2004.

Based upon a review of the agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn Code Ann. § 65-4-104.
- 2) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of Ben Lomand Telephone Cooperative, Inc
- 3) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity" Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

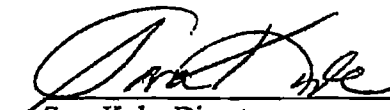
6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection agreement negotiated between Ben Lomand Telephone Cooperative, Inc. and Frontier Communications of America, Inc. is approved and is subject to the review of the Authority as provided herein.



Pat Miller, Chairman



Sara Kyle, Director



Ron Jones, Director

¹ See 47 U.S.C. § 252(e)(2)(B).

Westlaw.

Tenn Op Atty Gen No.

Tenn. Op Atty. Gen. No 90-83, 1990 WL 513064 (Tenn.A G)

(Cite as: 1990 WL 513064 (Tenn.A.G.))

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*1 Office of the Attorney General
State of Tennessee

Opinion No 90-83
August 27, 1990

MUNICIPAL CORPORATIONS Municipal Powers

A municipality may not permit a telephone company to enter into business in the municipality when it is already being serviced by another telephone company, since the Tennessee Public Service Commission must first approve the entry of another telephone company into the municipality's territory, pursuant to T C A § 65-4-107, a telephone cooperative is prohibited by T C A § 65-29-130 from providing service in an area where "reasonably adequate telephone service is available", the question of whether a particular area already has "reasonably adequate telephone service" is an issue to be resolved by the Tennessee Public Service Commission, which has jurisdiction under T C A § 65-29-130 to establish a telephone cooperative's territorial boundaries and to resolve territorial disputes arising between a telephone cooperative and any other type of person, corporation, association, or partnership rendering telephone service T C A § 1-3-103, § § 65-4-104, -107, -201 et seq , -207, § § 65-29-101 et seq , -102, -130.

PUBLIC SERVICE COMMISSION

A municipality may not permit a telephone company to enter into business in the municipality when it is already being serviced by another telephone company, since the Tennessee Public Service Commission must first approve the entry of another telephone company into the municipality's territory, pursuant to T.C A § 65-4-107; a telephone cooperative is prohibited by R C.A § 65-29-130 from providing service in an area where "reasonably adequate telephone service is available", the question of whether a particular area already has "reasonably adequate telephone service" is an issue to be resolved by the Tennessee Public Service Commission, which has jurisdiction under T C A § 65-29-130 to establish a telephone cooperative's territorial boundaries and to resolve territorial disputes arising between a telephone cooperative and any other type of person, corporation, association, or partnership rendering telephone service T C A § 1-3-103, § § 65-4-104, -107, -201 et seq , -207, § § 65-29-101 et seq , -102, -130

PUBLIC UTILITIES AND CARRIERS: Regulation of Public Utilities.

A municipality may not permit a telephone company to enter into business in the municipality when it is already being serviced by another telephone company, since the Tennessee Public Service Commission must first approve the entry of another telephone company into the municipality's territory, pursuant to T C A § 65-4-107, a telephone cooperative is prohibited by T.C A § 65-29-130 from providing service in an area where "reasonably adequate telephone service is available", the question of whether a particular area already has "reasonably adequate telephone service" is an issue to be resolved by the Tennessee Public Service Commission, which has jurisdiction under T.C A § 65-29-130 to establish a telephone